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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,996	04/08/2004	Nicholas A. Matiash	29759/ITW14675(1675.004)	9049

23598 7590 08/02/2007
BOYLE FREDRICKSON S.C.
840 North Plankinton Avenue
MILWAUKEE, WI 53203

EXAMINER

KERNS, KEVIN P

ART UNIT	PAPER NUMBER
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1725

NOTIFICATION DATE	DELIVERY MODE
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08/02/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com

Office Action Summary	Application No. 10/820,996	Applicant(s) MATIASH ET AL.	
	Examiner Kevin P. Kerns	Art Unit 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2007 and 08 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-29, 31-36 and 38-40 is/are pending in the application.
4a) Of the above claim(s) 31-36 and 38-40 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☒ Claim(s) 18, 25, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 11, 12 and 18-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 and 04 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 11, 12, 18, and 25-27 are objected to because of the following informalities: in claim 11, 2nd line from the end of the claim, replace "lower most" with "lowermost". In claim 12, 2nd line, delete "the" before "outermost" to obtain proper antecedent basis. In claim 18, 1st line of section d), delete "a channel" after "at least one channel". In claims 25-27, 1st lines of these claims, replace "the" with "an" before "outermost" to obtain proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 18, 25, 28, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaputis (US 4,068,106).

Shaputis discloses a welding apparatus that includes a wire feeder and drive feed roller assembly, in which the drive roller assembly includes one or more drive rolls adapted to feed weld wire 12 having a predetermined diameter, with the drive roll(s) including opposing first and second sides defining a width dimension therebetween (Figures 2-4), thus defining drive roll body/bodies between the first and second sides; an outer circumferential body surface in the form of multiple (first, second, and third)

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circumferentially-extending grooves/channels/recesses (52,74) of angular cross-section corresponding to a diameter of weld wire 12 about a periphery of the drive roll body between the first and second sides; and a plurality of rims (elevated areas above the grooves/channels/recesses (52,74) extending radially outwardly from and along a major circumferential portion of the outer circumferential body surface), with the rims defining generally arcuate profiles at their outermost surfaces 72 and a diameter that is greater than remaining diameters (of the grooves/channels/recesses) measured along the width of the drive roll bodies, such that the rims and adjacent channels share a common sidewall segment (abstract; column 1, lines 51-68; column 2, lines 1-32 and 54-68; column 3, line 1 through column 4, line 47; and Figures 2-5).

Allowable Subject Matter

4. Claims 1-16 are allowed.
5. Claims 19-24, 26, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach or suggest a drive roll that includes the following structural features: 1) the combination of features set forth in the last 5 lines of independent claim 1; and 2) the combination of features of independent claim 18, and further including at least one elevated wire interface extending outwardly from, and

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along, at least a major circumferential portion of the outer circumferential surface (dependent claim 19).

Response to Arguments

7. The examiner acknowledges the applicants' after final amendment entered upon filing of the request for continued examination received by the USPTO on May 8, 2007 and June 8, 2007, respectively. The amendments overcome prior 35 USC 112, 1st and 2nd paragraph rejections, as well as all rejections in view of Bobeczko et al. However, new claim objections have been raised by the amendments (see above section 1). New allowable subject matter is presented in above sections 4-6. Claims 31-36 and 38-40 are withdrawn from consideration. Claims 1-16 and 18-29 are currently under consideration in the application.

8. Applicants' arguments filed May 8, 2007 have been fully considered but they are not persuasive.

With regard to the applicants' (non-specific) remarks/arguments on pages 11 and 12 of the amendment (addressing rejections of claims 18, 25, 28, and 29 in above section 3), it is noted that the drive rollers of Shaputis include rims and channels that share a common sidewall segment (see newly underlined portion in above section 3). As a result, claims 18, 25, 28, and 29 remain rejected. The applicants are suggested to cancel withdrawn claims 31-36 and 38-40, while incorporating the allowable subject matter of dependent claim 19 into independent claim 18.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kevin P. Kerns whose telephone number is (571) 272-1178. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jonathan Johnson can be reached on (571) 272-1177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin P. Kerns *Kevin Kerns 7/21/07*
Primary Examiner
Art Unit 1725

KPK
kpk
July 21, 2007